

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Case No. 3:08-cr-00022-LRH-WGC-1

Plaintiff,

ORDER

v.

TERRANCE HOFUS,

Defendant.

On August 14, 2020, the Ninth Circuit affirmed in part, vacated in part, and remanded this case to the Court to modify Special Conditions 3 and 6 of the Special Conditions of Hofus's lifetime term of supervised release. *United States v. Hofus*, Case No. 20-10031 (9th Cir. Aug. 14, 2020). In light of this ruling, the Court proposes to modify Terrance Hofus's Supervision Conditions by striking the existing Special Conditions 3 and 6 and replacing them with the following:

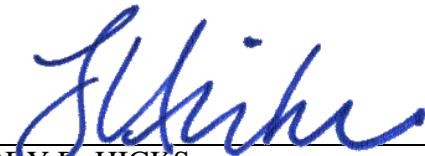
3. **No Pornography** – You must not view or possess any “visual depiction” (as defined in 18 U.S.C. § 2256(5)), or any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined by 18 U.S.C. § 2256(2)) involving children, or “actual sexually explicit conduct” (as defined by 18 U.S.C. § 2257(h)(1)) involving adults. These restrictions do not apply to materials necessary to, and used for, any future appeals, or materials prepared or used for the purposes of sex-offender treatment.
6. **Computer Search** – You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

1           **Computer Monitoring** – To enable the Computer Search Condition, you must  
2 submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other  
3 electronic communications or data storage devices or media, to the installation  
4 of computer monitoring software by the probation officer.

5           To comply with Mr. Hofus's due process rights, the Court will schedule a hearing via  
6 ZOOM to consider the proposed modifications and any objection to them by either Defendant or  
7 the Government. IT IS THEREFORE ORDERED that within **30 days** of the filing of this Order,  
8 Counsel should contact Courtroom Deputy, Katie Ogden, at [Katie\\_Ogden@nvd.uscourts.gov](mailto:Katie_Ogden@nvd.uscourts.gov) to  
9 schedule this hearing. Defendant may consent to the modifications and waive his right to a hearing  
10 upon them, after having been fully advised by his counsel, by filing a written consent and waiver  
11 with the Court. Upon receipt of a consent and waiver, the modifications will be made final and  
the proposed hearing will be vacated.

12           IT IS SO ORDERED.

13           DATED this 16th day of September, 2020.

14  
15             
16           LARRY R. HICKS  
17           UNITED STATES DISTRICT JUDGE

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28